THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1567 OF 2005

Date: 02-09-2005

Between:

y.Srinivasulu Reddy …Appellant

and

Commissioner of Prohibition & Excise and

Others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1567 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

The appeal is filed against the order of the learned Single Judge vacating an order of stay. It appears that there is a dispute between the writ petitioner/appellant and the third respondent over the ownership of a building. The appellant claims to be the co-owner of the building, whereas the third respondent's case is that he has relinquished his rights. Two civil suits are pending before the civil Courts. The appellant was not able to get any interim injunction from the civil Courts, whereas the third respondent was able even to get order of temporary injunction in his favour. In this view of the matter, we do not think that this Court can grant any direction to the

Excise Department to cancel the licence. Therefore, there is no ground to interfere with the order passed by the learned Single Judge.

The writ appeal is accordingly dismissed. No order as to costs.

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(Bilal Nazki, ACJ)

2nd September, 2005

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(R.Subhash Reddy,J)

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